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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

AMERICAN CONTRACTORS
INDEMNITY COMPANY,

Plaintiff,

v.

ALPHA ENERGY AND ELECTRIC, INC.,
et al.,

Defendants.

Case No. 2:23-cv-00615-JCM-EJY

**DEFENDANTS' UNOPPOSED
MOTION FOR EXTENSION OF TIME
TO FILE ANSWER (FIRST REQUEST)**

Defendants Alpha Energy and Electric, Inc., Gabriel Okafor, Nicky Okafor, Emmanuel Nwabuonwu, and Betty Nwabuonwu, pursuant to Federal Rule of Civil Procedure 6(b), move for an extension of time until June 12, 2023 to file their answer or otherwise respond to the Complaint in this case. In support of this unopposed motion, Defendants state as follows:

1. This is a companion case to a separate action that was recently resolved following a bench trial to this Court on claims arising out of a federal construction project at the Family Campground on the Nellis Air Force Base, styled: *United States ex rel. Wells Cargo, Inc v. Alpha Energy and Electric, Inc. et al.*, Case No. 2:18-cv-01182-JCM-EJY.

1 In this current action, Plaintiff American Contractors Indemnity Company ("ACIC")
2 seeks reimbursement of a bond claim paid on that project, along with attorneys' fees
3 incurred in defending the companion case and prosecuting this action.
4

5 2. Defendants were served at various times starting the weekend of April 29,
6 2023, making their answers due beginning May 22, 2023. By this motion, Defendants
7 jointly request an extension of time until June 12, 2023 to answer or otherwise respond
8 to ACIC's Complaint.
9

10 3. This request is not made for any improper purpose, but solely to allow
11 counsel for Defendants sufficient time to fully review relevant materials and prepare a
12 proper responsive pleading. The requested extension also will allow defense counsel
13 sufficient time to secure local counsel to assist in this matter in accordance with Local
14 Rule IA 11-2(d).
15

16 4. This is Defendants' first request for extension of time to answer. Defense
17 counsel has conferred with counsel for ACIC, who indicates that the relief requested in
18 this motion is not opposed.
19

20 5. The undersigned counsel submits this motion in accordance with Local
21 Rule IA 11-2(c) and (e) pending forthcoming submission of his application for pro hac
22 vice admission, and states that he will comply with the admission requirements of Local
23 Rule IA 11-2 within 14 days.
24

25 WHEREFORE, Defendants respectfully request that that Court grant this motion
26 and enter an Order extending until June 12, 2023, the time for them to file their answer
27 or otherwise respond to ACIC's Complaint.
28

1 Respectfully submitted this 22nd day of May 2023 by:

2 **KRIGEL & KRIGEL, P.C.**

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4 By: /s/ Stephen J. Moore
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10 *Counsel for Defendants*

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12
13 **IT IS SO ORDERED:**

14
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16 
17 **HON. ELAYNA J. YOUCHAH**
18 **UNITED STATES MAGISTRATE JUDGE**

19 **DATED: May 22, 2023**